IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

WP(C).No. 9933 of 2007(G)

PETITIONER:

HAR HOTELS PVT LTD.,
M.G.ROAD, ERNAKULAM, REPRESENTED BY ITS MANAGING DIRECTOR, ABDUL HAKKIM, AGED 39, S/O.HAMZA HAJI.

BY ADV. SRI.P.FAZIL

RESPONDENT:

CORPORATION OF KOCHI,
ERNAKULAM,
REPRESENTED BY ITS SECRETARY.

BY ADV. SRI.K.ANAND, SC, COCHIN CORPN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 9933 OF 2007 G

Dated this the 24th May, 2007

JUDGMENT

Heard the learned counsel appearing for the petitioner and the learned standing counsel for the respondent Corporation. Petitioner seeks a mandamus to compel the respondent not to recover the amount demanded in Exts.P2 and P5 except for the period 1.4.2006 to 31.3.2007. Learned standing counsel points out that it is open to the petitioner to file an Appeal under Section 509 (2) of the Kerala Municipality Act. Of course, an Appeal is to be normally filed within thirty days' time. It is pointed out that there is power to condone delay also. In such circumstances, it is for the petitioner to move the appropriate authority. Leaving open the right of the petitioner to pursue the appellate remedy, this Writ Petition is closed. If the petitioner moves an appeal before the appellate authority with an application for condonation of delay within a period of one

week from today, the impugned proceedings shall be kept in abeyance for a period of one month from today.

K. M. JOSEPH, JUDGE

kbk.